

DOCKET NO. 2015-393-C

Application of Altaworx, LLC for a Certificate of Public Convenience and Necessity for Authority to Provide Basic Resold Local Exchange. Exchange Access and Interexchange Telecommunications Services in the State of South Carolina, and for Alternative and Flexible Regulation

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MOTION FOR CONFIDENTIAL
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TREATMENT AND BASIS FOR FILING
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EXHIBIT C AS TRADE SECRET
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Exhibit C, filed as Trade Secret to Applicant's Application for Authority to Provide Basic

1. The legal name, address, and telephone of the Applicant are:

Altaworx LLC
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Fairhope, AL 36532
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2. All correspondence, notices, inquiries, and other communications regarding this

Motion should be addressed to:

John J. Pringle, Jr.
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Telephone: (803) 343-1270
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I. Description of Confidential Information

The Application requires Applicant to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Applicant is submitting copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Applicant's competitive position in South Carolina and in other states where Applicant is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Applicant in **Exhibit C** of its Application fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.¹ As a privately-held company, Applicant's financial qualifications are not readily ascertainable, and its financial and business information are uniquely sensitive. Applicant currently has no

¹ A "trade secret" is defined in S.C. Code § 39-8-20(5)(a) as information that "(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Applicant because the disclosure of such information would jeopardize Applicant's relationship with its investors and harm Applicant's ability to compete in the provision of advanced telecommunications services in South Carolina.

Applicant takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Applicant takes reasonable steps to guard this information internally as well. Its disclosure is limited to Applicant's senior officers, Applicant's counsel and employees of the company who are directly involved with Applicant's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

Applicant clarifies that its request for protection applies only to the financial information contained in **Exhibit C** to the Application. Applicant is not seeking protection of any type by means of this Motion for those reports Applicant will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

III. Conclusion

The financial information included in support of Applicant's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Applicant would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of Applicant's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required Applicant to make its financial

information publicly available. For the foregoing reasons, the financial information included in **Exhibit C** should be protected from public disclosure by the Commission.

WHEREFORE, Applicant respectfully requests that the information contained in **Exhibit C** of Applicant's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

Altaworx, LLC

s/John J. Pringle, Jr.

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April 26, 2016
Columbia, South Carolina